IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

Crl.MC.No. 3505 of 2007()

MC.474/2000 of FAMILY COURT, MALAPPURAM

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PETITIONER: RESPONDENT

C.P.LATHEEF, 38 YEARS, SON OF INBACHU,
CHEKKAPPANTEPURAKKAL HOUSE, A1 BAZAR,
P.O.TANUR.

BY ADV. SRI.NIRMAL. S

RESPONDENTS: PETITIONER

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1. SAFIYA, 33 YEARS, D/O.MUHAMMED,
AZARITHODIKA HOUSE, CHELAMBRA,
INDIMOZHIKAL, P.O.CHELEMBRA.

2. FARHAD, MINOR, 14 YEARS.
(MINOR REP. BY GUARDIAN MOTHER, IST RESPONDENT).

3. RAJIF, MINOR 12 YEARS.
(MINOR REP. BY GUARDIAN MOTHER, IST RESPONDENT).

4. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3505 of 2007

Dated this the 27th day of November, 2007

O R D E R

The petitioner has suffered an order under Section 125 Cr.P.C directing payment of maintenance to his 2 children. Consequent to default in payment, steps have been taken for execution of the said order. An amount of Rs.27,000/- is admittedly in arrears as on this date, it is submitted. An amount of Rs.25,000/- was paid on 6.11.07 and such payment has been acknowledged by the claimant, it is further submitted.

2. If these submissions are true, I would have expected the petitioner to go before the learned Judge of the Family Court and make request for some time to pay the entire balance amount. Instead, the petitioner has come to this Court. I find no satisfactory explanation as to why the petitioner has not gone before the Family Court and prayed for extension of time. The learned counsel for the petitioner after discussions at the Bar accepts the suggestion of this Court that the petitioner shall deposit a further amount of Rs.7,000/- (Rupees Seven thousand only) before the Family Court on or before 10.12.2007. If the petitioner makes that payment, the petitioner can appear through counsel and request the learned Judge of the Family

Court for grant of further time to make the payment. Appropriate orders on merits must then be passed by the learned Judge. In the peculiar facts and circumstances of this case, I direct that if the petitioner deposits an amount of Rs.7,000/- (Rupees Seven thousand only), the warrant of arrest shall not be executed against him till 10.12.2007.

3. This Crl.M.C is allowed in part to the above extent.

(R.BASANT, JUDGE)

rtr/-